

REMARKS

Claims 1-22 are pending in the present application. Claims 1-8 are allowed and Claims 9-20 stand rejected. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

The Office Action states that Claims 9-17 are rejected under 35 U.S.C. §102(b) as being anticipated by Bass et al. (U.S. Pat. No. 4,423,304). Applicants respectfully request reconsideration of these rejections in light of the present claim amendments following remarks.

Claim 9 has been amended to include the limitation that the secondary cap is disposed between a tip and a shield cap of the plasma arc torch, thus more clearly indicating that the secondary cap is an element separate and distinct from the shield member as disclosed in Bass et al. Applicants submit that Bass et al. cannot anticipate Claim 9 because Bass et al. does not disclose a secondary cap, let alone the structural features of a plurality of crenulations **and** a plurality of flutes within the same element. Even if the shield member 86b were considered to be a secondary shield, this shield member 86b does not include **both** crenulations **and** flutes. Accordingly, Claim 9 cannot be anticipated and Applicants respectfully request that the rejection of this claim be withdrawn.

Claims 10-13 depend from Claim 9 and distinguish over Bass et al. for at least the reasons stated above in connection with Claim 9. Accordingly, Applicants respectfully request that the rejection of Claims 10-13 also be withdrawn.

Claim 14 has been amended to include the limitation that the secondary spacer is disposed between a tip and a shield cap of the plasma arc torch, thus more clearly indicating that the secondary spacer is an element separate and distinct from the shield member as disclosed in Bass et al. Applicants submit that Bass et al. cannot anticipate Claim 14 because Bass et al. does not disclose a secondary spacer, let alone the structural features of a plurality of crenulations **and** a plurality of flutes within the same element. Even if the shield member 86b were considered to be a secondary spacer, this shield member 86b does not include **both** crenulations **and** flutes. Accordingly, Claim 14 cannot be anticipated and Applicants respectfully request that the rejection of this claim be withdrawn.

Claim 15 depends from Claim 14 and distinguishes over Bass et al. for at least the reasons stated above in connection with Claim 14. Accordingly, Applicants respectfully request that the rejection of Claim 15 also be withdrawn.

Claim 16 has been amended to include the limitation that the distal protrusion extend outwardly from the distal end face of the secondary cap and to block molten splatter from contacting a shield cap. Applicants submit that Bass et al. cannot anticipate Claim 16 because the ring-shaped end portion 294b of the shield 86b of Bass et al. cannot function as a secondary cap to block a part of molten splatter from reaching and damaging the shield 86b, when the ring-shaped end portion 294b is an integral part of the shield 86b. Moreover, the ring-shaped end portion 294b does not extend outwardly as required by the amended claim. Accordingly, Applicants submit that Claim 16 cannot be anticipated and respectfully request that the rejection of this claim be withdrawn.

Claim 17 depends from Claim 16 and distinguishes over Bass et al. for at least the reasons stated above in connection with Claim 16. Accordingly, Applicants respectfully request that the rejection of Claim 17 also be withdrawn.

The Outstanding Office Action states that Claim 20 is unpatentable as being anticipated by Offer (U.S. Pat. No. 5,852,271).

Claim 20 has been amended to include the limitation that the splatter shield is offset from a front face of the secondary cap.

Applicants submit that Offer cannot anticipate Claim 20 because the water exclusion device of Offer does not have a secondary cap, let alone a splatter shield formed of a flexible material installed around the secondary cap. Moreover, the skirt 24 is “compressed against or in close proximity to the work surface.” (Column 4, Lines 22-25) and as such is not offset from the front face of a secondary cap. Since Offer does not disclose a splatter shield that is offset from a front face of the secondary cap, Claim 20 cannot be anticipated and Applicants respectfully request that the rejection this claim be withdrawn.

CLAIMS 18-19

The Outstanding Office Action states that Claims 18-19 are rejected but no reason is stated for a ground for rejection. For the record, Applicants submit that since Claims 18-19 depend from Claim 16, these claims distinguish over the cited references for at least the reasons stated above in connection with Claim 16. Accordingly, Applicants respectfully request that the rejection of Claims 18-19 be withdrawn.

DRAWINGS

Applicants have submitted herewith Replacement Sheets of drawings to make formal, non-substantive improvements to the drawings. Cross-hatching consistent with the materials has been added to several drawing views, and hand-written element numbers and leader lines have been replaced with computerized element numbers and leader lines. Applicants respectfully request entry of the Replacement Sheets of drawings.

CONCLUSION

It is believed that all of the stated grounds of objection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding objections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 726-7524.

Respectfully submitted,

Dated: 22 Nov 05

By: 
Kelly K. Burris
Reg. No. 46, 361

Harness, Dickey & Pierce, P.L.C.
7700 Bonhomme Rd., Suite 400
St. Louis, MO 63105
(314) 726-7500